IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21336 of 2004

Between:

E. Venkatarathnamma, W/o Anjaneyulu Gowd, F.P.Shop Dealer.
R/o Dhone Town and Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mandal Revenue Officer, Dhone Mandal, Kunool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in issuing the proceedings in Rc.B.895/2004 dt. 3-11-2004 as illegal, arbitrary, and violative of principles of natural justice and also against the provisions of Control order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent

Counsel for the Petitioner:MR.K.V.RAGHUVEER

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.21336 OF 2004

ORDER:

The petitioner, a fair price shop dealer of Shop No.10 of Dhone town, Kurnool District, challenges the proceedings dated

03-11-2004, issued by the 2nd respondent. In the said proceedings, though the 2nd respondent has undertaken extensive discussion on each and every charge, levelled against the petitioner, with reference to the explanation offered by her, did not indicate the ultimate result.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Under Clause 5 of the A.P. State Public Distribution System Control order, 2001, the appointing authority, namely, the 2nd respondent is conferred with the powers, to suspend the authorization, in case it is noticed that the fair price shop dealer has resorted to any irregularities. In the present case, the show cause notice was issued to the petitioner alleging certain irregularities. She in turn, submitted an explanation dated 24-09-2004. The 2nd respondent passed an order on 3-11-2004, wherein he discussed the various charges levelled against the petitioner, with reference to the explanation offered by her. However, it does not disclose that he had reached any conclusion, be it, as to suspension or otherwise of the authorization. Strictly

speaking, the petitioner cannot be said to have suffered any prejudice, on account of the said order, as long as the authorization was neither suspended, nor cancelled. However, on account of the fact that the supply of essential commodities is stopped on the basis of the said order, she stated to have preferred an appeal before the 1st respondent; and her further grievance is that the appellate authority has not passed any interim order so far.

Once it has emerged that the impugned order does not indicate any adverse step against the petitioner, supply of essential commodities cannot be withheld. On this short ground alone, the writ petition is allowed, directing the respondents to continue the supply of essential commodities, on usual terms. It is, however, made clear that, it is open to the 2nd respondent to pass appropriate orders, indicating the result of his indication, or to proceed to initiate action for cancellation, duly following the procedure.

In view of this, the appeal preferred by the petitioner before the 1st respondent shall be treated as superfluous. There shall be no order as to costs.

_____

L. NARASIMHA REDDY, J.

Dt.22-11-2004

Note:

Office to issue copy in three days.

(B/O)KO

To

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mandal Revenue Officer, Dhone Mandal, Kunool District.

4. Two CCs to the Government Pleader for Civil Supplies, High Court

Buildings, High Court of A.P., Hyderabd (OUT).

5. Two C.D. copies.